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## NOTICE OF ALLOWANCE AND FEE(S) DUE

51921

7590

11/16/2009

MARK D. SARALINO (PAN)  
RENNER, OTTO, BOISSELLE & SKLAR, LLP  
1621 EUCLID AVENUE  
19TH FLOOR  
CLEVELAND, OH 44115

EXAMINER

DAZENSKI, MARC A

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 11/16/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,331

08/09/2006

Hideaki Mita

YAMAP0996US

4670

TITLE OF INVENTION: RECORDING DEVICE, INFORMATION RECORDING MEDIUM AND RECORDING METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/16/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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51921 7590 11/16/2009

MARK D. SARALINO (PAN)  
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 1621 EUCLID AVENUE  
 19TH FLOOR  
 CLEVELAND, OH 44115

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,331 08/09/2006 Hideaki Mita YAMAP0996US 4670

TITLE OF INVENTION: RECORDING DEVICE, INFORMATION RECORDING MEDIUM AND RECORDING METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/16/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
DAZENSKI, MARC A	2621	386-126000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2  
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,331	08/09/2006	Hideaki Mita	YAMAP0996US	4670
51921	7590	11/16/2009	EXAMINER	
MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115			DAZENSKI, MARC A	
			ART UNIT	PAPER NUMBER
			2621	
			DATE MAILED: 11/16/2009	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 566 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 566 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/560,331

**Applicant(s)**

MITA ET AL.

**Examiner**

MARC DAZENSKI

**Art Unit**

2621

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-27-09.
2. ☒ The allowed claim(s) is/are 66-148.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/MARC DAZENSKI/  
Examiner, Art Unit 2621

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

## DETAILED ACTION

### *Allowable Subject Matter*

**Claims 66-148** are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's **claim 66** is drawn toward a recording apparatus comprising:  
a file generating section for receiving video data including a plurality of video unit data each representing a video and audio data related to the video data, generating a video data file by providing a plurality of video specific data to the plurality of video unit data, the plurality of video specific data for identifying the plurality of video unit data, and generating an audio data file by providing audio specific data to the audio data, the audio specific data for identifying the audio data; a dividing section for receiving the video data file and the audio data file, dividing the video data file into a plurality of video data elements, and dividing the audio data file into a plurality of audio data elements related to the plurality of video data elements, wherein an i-th (i is an integer) video data element of the plurality of video data elements includes a predetermined number of video unit data of the plurality of video unit data; an arranging section for arranging the i-th video data element and an i-th audio data element related to the i-th video data element among the plurality of audio data elements such that the i-th audio data element and the i-th video data element are recorded within a predetermined recording unit; and a recording section for recording the arranged i-th video data element and the arranged i-th audio data element on an information recording medium, wherein the file

generating section further receives auxiliary data including compressed video data which has been compressed at a higher compressibility than the video data, and further generates an auxiliary data file by providing auxiliary data specific data to the auxiliary data, the auxiliary data specific data for identifying the auxiliary data, the dividing section divides the auxiliary data file into a plurality of auxiliary data elements related to the plurality of video data elements, an i-th auxiliary data element of the plurality of auxiliary data elements is related to the i-th video data element, the dividing section specifies a position in the video data file corresponding to a head of the i-th auxiliary data element, and the dividing section divides the video data file such that a position, which is ahead of the specified position and which is spaced from the specified position by an integer multiple the size of an ECC block unit of the information recording medium, is a head of the i-th video data element.

Applicant's independent **claim 66** comprises a particular combination neither taught nor suggested by the prior art. The closest prior art of record, Ando et al (US PgPub 2008/0317443), differs from the claim invention by not teaching or fairly suggesting and the dividing section divides the video data file such that a position, which is ahead of the specified position and which is spaced from the specified position by an integer multiple the size of an ECC block unit of the information recording medium, is a head of the i-th video data element.

Applicant's independent **claims 67-68** comprise similar limitations as that of claim 66 above except, the examiner notes, that they are drawn to "metadata file/metadata element" and "audio data file/audio data element," respectively, rather

than "video data file/video data element." The closest prior art of record, Ando et al (US PgPub 2008/0317443) differs from the claimed invention by not teaching or fairly suggesting these limitations, and are therefore allowable due to the explanation set forth in claim 66 above.

Applicant's independent claims **88-90** are the corresponding method claims to the apparatuses of claims 66-68, respectively, and are therefore found allowable in view of the explanation set forth in claims 66-68 above.

Applicant's **claim 110** is drawn toward a recording apparatus comprising: a file generating section for receiving a first contents data including a plurality of contents unit data each representing at least a part of first contents and a second contents data related to the first contents data, generating a first contents data file by providing a plurality of first contents specific data to the plurality of the contents unit data, the plurality of first contents specific data for identifying the plurality of contents unit data, and generating a second contents data file by providing second contents specific data to the second contents data, the second contents specific data for identifying the second contents data; a dividing section for receiving the first contents data file and the second contents data file, dividing the first contents data file into a plurality of first contents data elements, and dividing the second contents data file into a plurality of second contents data elements related to the plurality of first contents data element, wherein an i-th (i is an integer) first contents data element of the plurality of first contents data elements includes a predetermined number of contents unit data of the plurality of contents unit data; an arranging section for arranging the i-th first

contents data element and an i-th second contents data element related to the i-th first contents data element among the plurality of the second contents data elements such that the i-th second contents data element and the i-th first contents data element are recorded within a predetermined recording unit; and a recording section for recording the arranged i-th first contents data element and the arranged i-th second contents data element on the information recording medium, wherein the dividing section specifies a position in the second contents data file corresponding to a head of the i-th first contents data element, and the dividing section divides the second contents data file such that a position, which is behind the specified position and which is spaced from the specified position by an integer multiple the size of the ECC block unit of the information recording medium, is a head of the i-th second contents element.

Applicant's independent **claim 110** comprises a particular combination neither taught nor suggested by the prior art. The closest prior art of record, Ando et al (US PgPub 2008/0317443), differs from the claim invention by not teaching or fairly suggesting and the dividing section divides the second contents data file such that a position, which is behind the specified position and which is spaced from the specified position by an integer multiple the size of the ECC block unit of the information recording medium, is a head of the i-th second contents element.

Applicant's independent **claim 119** is merely the corresponding method claim to the apparatus of claim 110, and is therefore found allowable in view of the explanation set forth in claim 110 above.



Applicant's **claim 128** is drawn toward an information recording medium comprising: a plurality of video data elements obtained by dividing a video data file including a plurality of video unit data, each of the plurality of video unit data representing a video; and a plurality of auxiliary data elements, each of the plurality of auxiliary data elements including compressed video data which has been compressed at a higher compressibility than the plurality of video unit data, the plurality of auxiliary data elements being related to the plurality of video data elements, wherein an  $i$ -th ( $i$  is an integer) video data element of the plurality of video data elements is related to an  $i$ -th auxiliary data element of the plurality of auxiliary data elements, and a position in the video data file, which is ahead of a predetermined position corresponding to a head of the  $i$ -th auxiliary data element and which is spaced from the predetermined position by an integer multiple the size of an ECC block unit of the information recording medium, is a head of the  $i$ -th video data element.

Applicant's independent **claim 128** comprises a particular combination neither taught nor suggested by the prior art. The closest prior art of record, Ando et al (US PgPub 2008/0317443), differs from the claim invention by not teaching or fairly suggesting a position in the video data file, which is ahead of a predetermined position corresponding to a head of the  $i$ -th auxiliary data element and which is spaced from the predetermined position by an integer multiple the size of an ECC block unit of the information recording medium, is a head of the  $i$ -th video data element.

Further, the examiner notes that although the claim only specifies an "information recording medium," the preamble is allowable partly due to the body of the claim

disclosing physical structures (e.g., ECC blocks) that are found only in statutory recording media. Because ECC blocks, sector units and sector boundaries (as disclosed at, e.g., page 42, lines 15-29 of the specification) are found in statutory recording media such as the disclosed optical disc, the examiner has determined the claim cannot be drawn to non-statutory subject matter (i.e., a signal or carrier wave) and that the claimed "information recording medium" must inherently be computer readable.

Applicant's independent **claims 129-130** comprise similar limitations as that of claim 128 above except, the examiner notes, that they are drawn to "metadata file/metadata element" and "audio data file/audio data element," respectively, rather than "video data file/video data element." The closest prior art of record, Ando et al (US PgPub 2008/0317443) differs from the claimed invention by not teaching or fairly suggesting these limitations, and are therefore allowable due to the explanation set forth in claim 128 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/  
Examiner, Art Unit 2621